

REMARKS

Claims 1-18 and 21-23 are pending in this case. The Office Action of September 22, 2004 finally rejected all pending claims under 35 U.S.C. § 112, first paragraph, for allegedly "enablement" reasons. The Examiner states that the specification does not "reasonably provide enablement for all the compounds presented by the general structure formula (I) of claim 1", except for the macrocyclic compounds 26 and 27 in Table A and in the specification examples 19-23. Page 2 of the instant Office Action. The Examiner cites the "need" for "undue experimentation" among the several reasons.

The present amendment limits claim 1 and any necessary dependent claim to claim only the macrocyclic parts that would be encompassed, as required by the Examiner. This also necessitated canceling some claims.

R^2 in claims 1 and 3 is now correctly stated. (R^2 was a typo, which is regretted).

Claims 10-12 are amended to remove moieties falling outside the presently amended claim 1.

Applicant is adding new claim 95 to claim the two macrocyclic compounds specifically.

New claims 96 and 97 are the original "method of treating hepatitis C virus" claims 24 and 25, which were restricted out and so got cancelled. Applicant is repeating their request (from their response of June 30, 2004) to reconsider and reinstate these claims, since it is a common practice in pharmaceutical arts to allow method of treating for the demonstrated diseases, along with the compound claims. Applicant requests a favorable consideration by the Examiner.

Applicant is reserving the right to file any divisional patent application(s) on the restricted out and/or cancelled scope, if Applicant so chooses.

There being no other rejections pending, Applicant believes that claims 1-18, 21-23, and new claims 95-97 (if claims 96 and 97 are reinstated), are in allowable condition. Such an action is earnestly requested. If the Examiner has any questions, the Examiner is invited to contact the undersigned.

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Respectfully submitted,



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